

**TWENTY-FOUR (24) HOUR ACCESSIBILITY TO EMERGENCY
PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC
VIOLENCE PROTOCOL
ELEVENTH JUDICIAL CIRCUIT AND DISTRICT
GREEN, MARION, TAYLOR & WASHINGTON COUNTIES**

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Practice and Procedure (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four (24) hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit/family and district courts.

I. Uniform Protocol for Handling Cases

- A. All domestic violence cases must be processed by the clerk consistent with the rules and procedures set forth in the Kentucky Circuit Court Clerk's Manual.
- B. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.
- C. Domestic violence matters may be reassigned from the district court division to circuit/family court when there is a dissolution/custody proceeding pending.
- D. No county shall adopt a blanket "no-drop" policy. Domestic violence cases are civil matters within the purview of CR 41.01.
- E. Domestic violence cases shall be reassigned or transferred to another circuit under the following circumstances:

If a dissolution, child custody proceeding, or domestic violence proceeding is pending in another county when the domestic violence petition is filed or if a dissolution action is filed in another county while a domestic violence matter is pending in District Court, the District Court Judge is to transfer the case to the County where said action is pending. The emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740(4), for a period not to exceed fourteen (14) days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.

II. Twenty-four Hour Accessibility

- A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:

The Circuit Clerk and all sworn deputies; the County Attorney and any Assistant County Attorney, the Victims Advocate of the County Attorney's office and any county attorney staff authorized to administer oaths.

- B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours and weekends:

The Circuit Clerk and all sworn deputies; the County Jailer and all sworn deputies; the County Sheriff and all sworn deputies; the County Attorney and any Assistant County Attorney, the Victims Advocate of the County Attorney's office and any county attorney staff authorized to administer oaths, the City Chief of Police and all sworn officers within the department; any Kentucky State Police officer.

- C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the following:

To the District Judge who is found within the County. If no District Judge is found within the County, said verified petition shall be presented to the Circuit Judge who is found within the County. If no Judge is found within the County, the petition shall be presented to any District Judge or Circuit Judge found within the 11th Judicial Circuit. In the event, that none of the above Judges can be found, the petition may be presented to a Trial Commissioner within the 11th Judicial Circuit or District. In the event no Judge or Trial Commissioner can be found within the 11th Judicial Circuit or District, said petition may be presented to any District Judge, Circuit Judge or District Trial Commissioner in any surrounding county in accordance with the Regional Program Administration Charter, who may sign and issue a Domestic Violence Emergency Protective Order if deemed appropriate.

- D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to:

To the District Judge who is found within the County. If no District Judge is found within the County, said verified petition shall be presented to the Circuit Judge who is found within the County. If no Judge is found within the County, the petition shall be presented to any District Judge or Circuit Judge found within the 11th Judicial Circuit. In the event, that none of the above Judges can be found, the petition may be presented to a Trial Commissioner within the 11th Judicial Circuit or District. In the event no Judge or Trial Commissioner can be found within the 11th Judicial Circuit or District, said petition may be presented to any District Judge, Circuit Judge or District Trial Commissioner in any surrounding county in accordance with the Regional Program Administration Charter, who may sign and issue a Domestic Violence Emergency Protective Order if deemed appropriate.

E. Petitions will be reviewed within an hour of presentation to a judge or trial commissioner unless it is impossible due to the unavailability of a judge or trial commissioner.

F. The schedule for domestic violence hearings is as follows:

The Domestic Violence session of the District Court is scheduled as follows:

Green District Court	Mondays	1:30 pm
Marion District Court	Wednesdays	9:30 am
Taylor District Court	Wednesdays	10:00 am
Washington District Court	Mondays	1:30 pm

Motion Day for Circuit Court is as follows:

Green County	1 st Wednesday after 1 st Monday of the month
Marion County	1 st & 3 rd Thursday after 1 st Monday of the month
Taylor County	1 st & 3 rd Tuesday after 1 st Monday of the month
Washington County	3 rd Wednesday after 1 st Monday of the month

III. Contempt Proceedings

A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.

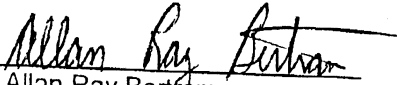
B. Petitioners seeking to initiate contempt proceedings should contact:

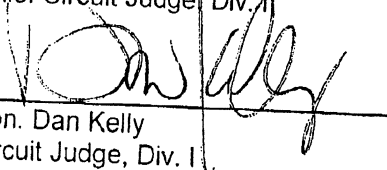
The local Circuit Clerk's office to complete a motion for show cause. The Judge who entered the EPO or DVO will hear the contempt proceeding.

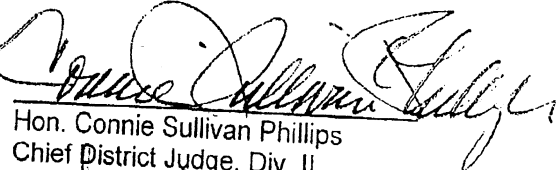
C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order.

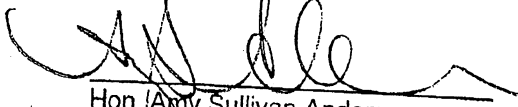
All general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

The above protocol is adopted by all judges in the circuit/district, this 12th day of July, 2011.


Hon. Allan Ray Bertram
Chief Circuit Judge, Div. II


Hon. Dan Kelly
Circuit Judge, Div. I


Hon. Connie Sullivan Phillips
Chief District Judge, Div. II


Hon. Amy Sullivan Anderson
District Judge, Div. I